

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MONTE RUSSELL, on behalf of himself and
others similarly situated,

Plaintiff,

v.

WELLS FARGO AND COMPANY,

Defendant.

Case No. C-07-3993-CW

**DECLARATION OF T. JOSEPH
SNODGRASS IN SUPPORT OF
PLAINTIFF'S MEMORANDUM IN
SUPPORT TO STRIKE AND
INVALIDATE DEFENDANT'S RULE 68
OFFERS**

EXHIBIT E

Swanson, Kelly

From: Theresa Kading [tkading@hbwillp.com]
Sent: Wednesday, June 11, 2008 5:32 PM
To: Swanson, Kelly
Subject: RE: Russell

Kelly,

We have requested the STAMP records for everyone who opted in and you have been provided with everything that we have. I am following up with my client to confirm that there are no other STAMP records and to determine the reason why we have them for some and not others.

Thanks,
Terrie

Theresa A. Kading, Attorney | Hodel Briggs Winter LLP | 8105 Irvine Center Drive, Suite 1400, Irvine, California 92618 | Direct Dial (949) 450-4434 | Facsimile (949) 450-8033 | tkading@hbwillp.com | www.hbwillp.com

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From: Swanson, Kelly [mailto:kswanson@larsonking.com]
Sent: Wednesday, June 11, 2008 9:55 AM
To: Theresa Kading
Cc: Snodgrass, Joe
Subject: RE: Russell

Thank you, Terrie. I have an additional question pertaining to the STAMP information that you provided to us. Of the 20 opt-ins listed on the second tab of your spreadsheet, you provided STAMP records for only 12 of them. Does this mean that you do not have any STAMP records for the remaining 8 opt-ins listed? If so, can you please explain why that is the case?

Thanks,
Kelly

-----Original Message-----

From: Theresa Kading [mailto:tkading@hbwillp.com]
Sent: Wednesday, June 11, 2008 11:49 AM
To: Swanson, Kelly
Cc: Snodgrass, Joe
Subject: RE: Russell

We will have it to you later today.

Thanks,
Terrie

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From: Swanson, Kelly [mailto:kswanson@larsonking.com]
Sent: Tuesday, June 10, 2008 6:24 PM
To: Theresa Kading
Cc: Snodgrass, Joe
Subject: RE: Russell

Thank you for the spreadsheet, Terrie. When can we expect to receive Wells Fargo's positions on liquidated damages and the fluctuating workweek?

Kelly

From: Theresa Kading [mailto:tkading@hbwlip.com]
Sent: Tuesday, June 10, 2008 8:17 PM
To: Swanson, Kelly
Cc: Glenn Briggs
Subject: Russell

Kelly,

Pursuant to your letter of today's date, attached is a spreadsheet containing information regarding the individuals who have opted in thus far. One tab of the spreadsheet contains the existing STAMP records for the relevant time period for the individuals who have opted in. The other tab contains information regarding each employee who has opted in, including period of employment during the relevant time period, total weeks worked in the relevant time period, and average salary during the relevant time period. This attachment does not contain information for Mr. Zimmerman, whose opt in form we received today. We were going to give you all of this information at once to avoid confusion but, given your letter today, we wanted to provide you with the information we have for the individuals who have opted in thus far. We will provide you with additional information regarding Mr. Zimmerman and any others that may be received as we are able to gather it.

Please let me know if you have any questions.

Thanks,
Terrie

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